

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**XEZAKIA ROUSE,**

**Petitioner,**

v.

**No. 11-cv-0405 JCH/SMV**

**ANTHONY ROMERO,**

**Respondent.**

**ORDER GRANTING MOTION FOR REVIEW OF NEW EVIDENCE**

THIS MATTER is before the Court on Petitioner's Motion for Review of Pertinent Evidence Newly Acquired in the Above Numbered Cause [Doc. 65] ("Motion"), filed on August 3, 2012. In his Motion, Petitioner offers documents that he believes "prove . . . his case." [Doc. 65] at 1. Respondent has filed no response, and none is needed. The Court will GRANT the motion.

At the time that Petitioner filed his Motion, the case was on appeal. The Tenth Circuit has since remanded the case to this Court on two claims of ineffective assistance of counsel. If the materials presented with the Motion are relevant to the two remaining issues, they will be appropriately considered.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Petitioner's Motion for Review of Pertinent Evidence Newly Acquired in the Above Numbered Cause [Doc. 65] is **GRANTED**.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
United States Magistrate Judge